

REMARKS/ARGUMENTS

The present amendment is submitted in conjunction with a Request for Continued Examination (RCE) and in response to the final Office Action dated June 29, 2009, which set a three-month period for response, making this response due by September 29, 2009.

Claims 17-20 and 22-32 are pending in the application.

In the final Office Action, claims 17-20, 22 and 28-32 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 17, 22, 28 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,005,777 to Fernandez in view of U.S. Patent No. 4,217,788 to Burr et al. Claims 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez in view of U.S. Patent No. 4,546,933 to Kanada et al. Claims 30-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez in view of Burr and Kanada and further in view of U.S. Patent No. 4,652,781 to Andrei-Alexandru et al.

The Applicants first thank the Examiner for the telephone conference with their attorney. In that interview, the Examiner indicated that the rejection for lack of enablement would be maintained, as it still was not clear from the disclosure that the spiral toothing is "fixedly disposed" on the carrier shaft, or "non-axially displaceable" as argued in the previous amendment. Further, he indicated that Fig. 4 appeared to show a movable spiral toothing.

In the present amendment, the objected to term "fixedly disposed" has been deleted.

He also indicated that the secondary reference to Andrei-Alexandru appeared to be more relevant than initially argued in prior Office Actions, since this reference shows a non-axially displaceable spiral toothing.

The Applicants respectfully disagree and direct the Examiner's attention to this reference at column 3, line 43 through column 4, line 14. The only similarity between this reference and the present invention is the arrangement of a carrier shaft 14 with a spiral toothing 15. The carrier shaft 14 is mounted on both sides of the drive wheel 20 on which it engages in ball bearings 16, 17. Regarding whether upon reversal of the direction of rotation of the drive wheel 20 (column 4, line 2), a blocking of the carrier shaft 14 occurs, such a brake is arranged on a projection 32 of the carrier shaft extending over the ball bearing 16. The projection 32 is guided through a sleeve 33, on which the braking means 34, 36, 37 engage (column 3, lines 15-25). The braking process itself is described in column 4, lines 5-14.

In any case, however, no disclosure or suggestion is provided by Andrei-Alexandru of disposed a friction-increasing component between the first thread of the spiral toothing and the associated counter bearing such that movement of the spiral toothing is prevented upon reversal of the rotation of direction of the carrier shaft 18. In contrast, in Andrei-Alexandru, the spiral toothing 15 lies freely between the two ball bearings 16, 17 and is freely rotatable relative to the ball bearings 16, 17. The spiral toothing is in no case utilized to prevent or stop movement of the carrier shaft in any manner upon a reversal in direction. As noted above, a special braking device is provided for this purpose, which is disposed outside of the spiral toothing and the mounting of the carrier shaft.

Claim 17 has been amended to clarify the above distinctions and to address the rejection under Section 112, first paragraph.

The Burr reference discloses on the one hand that a non-self-locking spiral toothing on a carrier shaft is known in the state of the art. Burr, however, also discloses that in such a case a brake must be provided in order to prevent a reverse rotation of the shaft. Burr provides a separate friction brake 32 for this purpose.

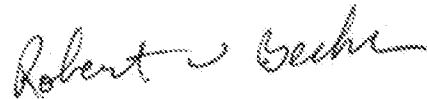
In comparing Burr with the present application, then, it is apparent that with the present invention, the separate friction brake 32 is replaced by the cooperation of the first gear of the spiral toothing with the friction-increasing component, for example the spacer disk 25. One of skill in the art would not be led to this feature of the present invention from the teachings of Burr, which teaches a completely different structure and concept. While Burr poses a similar problem, he resolves the problem with a completely different solution with the separate friction brake.

The Applicants further submit that one of skill in the art would not be motivated to combine Burr with Fernandez and that such a combination still would not lead to the present invention. Further, the proposed combination makes no sense technically. Fernandez specifically discloses as a primary aspect the axial displaceability of the spiral toothing, because with the possible relative motion of the spiral toothing on the shaft further components in Fernandez are controlled. In contrast, Burr is concerned with preventing a reverse rotation of the carrier shaft. In this connection, both references differ markedly in their function as well as in the technical objects that they address such that a combination of these references is impossible on technical grounds.

Based on the reasons set forth above, the Applicants respectfully submit that claim 1 as amended is not rendered obvious by the cited references whether viewed alone or in the proposed combination. It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01. Please note also that the modification proposed by the Examiner would change the principle of operation of the prior art, so that also for this reason the references are not sufficient to render the claims prima facie obvious (see the last paragraph of the aforementioned MPEP section 2143.01).

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any comments or suggestions, or wish to discuss the merits of the application, the undersigned would very much welcome a telephone call in order to expedite placement of the application into condition for allowance.

Respectfully submitted,



Robert W. Becker, Reg. 26,255
Attorney for Applicant(s)

ROBERT W. BECKER & ASSOCIATES
707 State Hwy 333, Ste. B
Tijeras, New Mexico 87059-7507

Telephone: 505 286 3511
Telefax: 505 286 3524

RWB:rac